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PSC 115
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In re Application of :
Walter Joseph Mikulski :
Application No.09/490,859 :
Filed: January 24, 2000 :
Attorney Docket No. 1.827.99 :
:

OFFICE OF PETITIONS

LETTER

This is in reference to the decision of January 15, 2003, dismissing the petition under 37 CFR 1.137(a) filed September 9, 2002.

The decision of January 15, 2003, indicated incorrectly that \$640.00 was remitted for the issue fee and that said amounts would be refunded to petitioner because the Notice of Allowance and Issue Fee Due had not yet issued. In fact, the \$640.00 remitted was for the fee for a petition under 37 CFR 1.137(b). The petition filed on September 9, 2002 was, in fact, a petition under 37 CFR 1.137(a) the fee for which is \$55.00 (small entity), which petitioner remitted properly.

The amount of \$640.00 will be refunded to petitioner, but this amount is not for the premature payment of the issue fee, rather it is being refunded because a petition under 37 CFR 1.137(b) was not filed. The appropriate form for a petition under 37 CFR 1.137(b) was mailed to petitioner along with the decision of January 15, 2003. Petitioner may also retrieve the appropriate form, PTO/SB/64, from the Patent and Trademark Office website at www.uspto.gov.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
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Further questions should be directed to the undersigned at (703) 305-0010.



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